

Futureguard Building Products, Inc.)	Departmental
Androscoggin County)	Findings of Fact and Order
Auburn, Maine)	Air Emission License
A-207-71-I-A/T)	Amendment/Transfer

After review of the file and related materials submitted with regard to the above noted application, pursuant to Title 38, M.R.S.A., Section 590 and Chapter 2 of the Department Regulations, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Futureguard Building Products, Inc. (Futureguard) has requested a transfer and amendment of Air Emission License A-207-71-H-R from 101 Merrow Road LLC (Merrow) through an application to the Bureau of Air Quality dated August 19, 2003. Air Emission License A-207-71-H-R, was issued to Merrow on February 7, 2003.

Futureguard has recently signed into a lease agreement with the option to buy the building and property from 101 Merrowroad LLC. The two existing boilers (Boiler #1 and Boiler #2) rated at 12.5 and 14.6 MMBtu/hr, respectively, will continue to operate under the new licensee. Futureguard shall comply with all existing air emissions license requirements pertaining to the proper operation of Boilers #1 and #2. Futureguard has requested to include three additional fuel burning units to the air emissions license.

B. Emission Equipment

Futureguard is authorized to operate the following air emission units:

Fuel Burning Equipment

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Fuel Type, %Sulfur</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Stack #</u>
Boiler #1	12.5	#6, 2.0%	83.5	1
Boiler #2	14.6	#6, 2.0%	97.6	1
Heater *	1.5	Propane	16.4	2
Drier *	1.5	Propane	16.4	3
Drier *	0.8	Propane	8.7	4

- * The heater and two dryers were not previously listed on any air emissions license. These units were installed in January of 2003. The 0.8 MMBtu/hr drier is considered insignificant according to Appendix B of Chapter 115 of the Department regulations and is listed only for inventory purposes.

C. **Application Classification**

The application for Futureguard is for a new license and a transfer of existing air emission license A-207-71-H-R from 101 Merrow Road LLC. The application includes the licensing of new equipment, therefore the license is considered to be a new license with a transfer of current licensed emission units. The new equipment is subject to Best Available Control Technology (BACT).

II. BEST PRACTICAL TREATMENT (BPT)

A. **Introduction**

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent best practical treatment (BPT), as defined in Chapter 100 of the Air Regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

B. **New Emission Units**

BPT for new sources and modifications require a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in Chapter 100 of the Air Regulations. BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

Futureguard has requested to license two propane fired units, a dryer and a heater. The maximum design capacities of these units are 1.5 MMBtu/hr each. These units are considered small and emissions are expected to be minimal. BACT for these units will be the use of propane (a clean burning fuel when compared to other fossil fuels) and limiting visible emissions to 10% opacity on a 6-minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period.

C. **Existing Fuel Burning Equipment**

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;

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- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

Futureguard operates Boilers #1 and #2 primarily for facility hot water and heating needs. Boiler #1 has a maximum design heat input capacity of 12.5 MMBtu/hr firing #6 fuel oil, with a maximum sulfur content not to exceed 2.0% by weight. Boiler #2 has a maximum design heat input capacity of 14.6 MMBtu/hr firing #6 fuel oil, also with a maximum sulfur content not to exceed 2.0% by weight. Boilers #1 and #2 were both manufactured prior to 1989 and are therefore not subject to EPA New Source Performance Standards (NSPS) Subpart Dc.

The regulated pollutants emitted from Boilers #1 and #2 are particulate matter (PM), particulate matter with a diameter smaller than ten microns (PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), and volatile organic compounds (VOC). Based on the size of Boilers #1 and #2, and the quantity of pollutants that could potentially be emitted, it is determined by the Bureau of Air Quality that any add on pollution control device would be economically unjustified. Therefore, BPT for Boilers #1 and #2 shall be the firing of #6 fuel oil with a maximum sulfur content not to exceed 2.0%. Visible emissions from Boilers #1 and #2 shall not exceed an opacity limit of 30% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a 3-hour period.

D. Facility Emissions and Fuel Use Caps

Futureguard shall not use more than 150,000 gallons per year of #6 fuel oil with a maximum sulfur content not to exceed 2.0% by weight. Emissions from the facility shall not exceed the following totals based on maximum operation. The maximum potential emissions from the propane-fired units are included in this total.

Total Allowable Annual Emissions for the Facility
(used to calculate the annual license fee)

Pollutant	Tons/year
PM	2.4
PM ₁₀	2.4
SO ₂	23.4
NO _x	7.6
CO	0.7
VOC	0.3

III. AMBIENT AIR QUALITY ANALYSIS

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a minor source shall be determined on a case-by-case basis. Based on the information available in the file, and the similarity to existing sources, Maine Ambient Air Quality Standards (MAAQs) will not be violated by this source.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-207-71-I-A/T subject to the following conditions:

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (Title 38 MRSA §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115.
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both.

- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request.
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353.
- (6) The license does not convey any property rights of any sort, or any exclusive privilege.
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions.
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license.
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license.
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
 - (i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - a. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to

- the Department that equipment may be operating out of compliance with emission standards or license conditions; or
- b. pursuant to any other requirement of this license to perform stack testing.
- (ii) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
- (iii) submit a written report to the Department within thirty (30) days from date of test completion.
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- (i) within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
- (ii) the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
- (iii) the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation.

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- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.

SPECIFIC CONDITIONS

- (16) Futureguard shall not exceed the following emissions for boilers #1 and #2.

Equipment		PM	PM₁₀	SO₂	NO_x	CO	VOC
Boiler #1	lb/MMbtu	0.20	-	-	-	-	-
	lb/hour	2.5	2.5	26.2	6.3	0.4	0.1
Boiler #2	lb/MMbtu	0.20	-	-	-	-	-
	lb/hour	2.9	2.9	30.6	7.4	0.5	0.1

- (17) Visible emissions from Boilers #1 and #2 shall not exceed an opacity limit of 30% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a 3-hour period.
- (18) Futureguard shall limit fuel use to less than 150,000 gallons per year of #6 fuel oil with a maximum sulfur content not to exceed 2.0% by weight. Fuel use records shall be kept, to include sulfur content of the fuel burned, and made available to the Department upon request.
- (19) Futureguard shall limit the visible emissions from the propane fired units to 10% opacity on a 6-minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period.
- (20) For Insignificant or Trivial Activities, pursuant to Chapter 115, the licensee shall have on file at the facility a demonstration of the total emissions from the insignificant or trivial activities not addressed in the Air Emission License for all regulated pollutants.
- (21) Futureguard shall pay the annual air emission license fee within 30 days of September 30th of each year. Pursuant to Title 38-353-A, failure to pay this

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annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 MRSA 341-D, subsection 3.

(22) The term of this order shall be for five (5) years from the signature date below.

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAWN R. GALLAHGER, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: August 20, 2003

Date of application acceptance: August 29, 2003

Date filed with Board of Environmental Protection: _____

This order prepared by Edwin Cousins, Bureau of Air Quality